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09/911,522	07/24/2001	William J. Bushee	21-0851	4232

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EXAMINER
WONG, LESLIE

ART UNIT	PAPER NUMBER
2164	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 December 2005</u>.

2a)☐ This action is FINAL.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>07/24/2001</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include the following reference character(s) not mentioned in the

description: **References for Figs 1-2. Also, Applicants are advised to add reference**

numbers for Figs. 3-4 and amend them in the Specification. Corrected drawing

sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add

the reference character(s) in the description in compliance with 37 CFR 1.121(b) are

required in reply to the Office action to avoid abandonment of the application. Any

amended replacement drawing sheet should include all of the figures appearing on the

immediate prior version of the sheet, even if only one figure is being amended. Each

drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If

the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the

drawings will not be held in abeyance.

Withdraw of Rejection/Objection

2.   Applicants' amendments, submitted on 12/15/2005, overcome the 101, 112

rejections and objections to the Specification. The rejections/objections that were given

in the Office Action dated June 12, 2005 is hereby withdrawn.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 8, 9, 12, 13 and 16-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wu (US 6,553,364) in view of Klein et al. ("Klein")(US 6704729 B1).

As per claim 1, Wu teaches a method for the automatic harvesting and

qualification of dynamic database content comprising:

obtaining an initial categorization structure for organizing a plurality of subject

areas of information (Wu, Fig. 2);

obtaining a plurality of parametric information lists for optimizing operation to a

user's requirements (Wu, Fig. 3, col. 6, lines 10-21);

obtaining a query from the user, said query being associated with a subject area

(Wu, col. 6, lines 61-67);

submitting said query (Wu, col. 6, line 61 - col. 7, line 5);

acquiring a collection of responsive content (Wu, Fig. 1, element 30, issues a

search request, element 32, retrieves search result);

indexing said responsive content to form an index of facilitating searching said

collection of responsive content (Wu, Fig. 3, element 22, word index, col. 3, lines 10-

21);

publishing a summary of said collection of responsive content for review by the user (Wu, Fig. 5).

Wu discloses obtaining a list of categories and submitting the query to a qualified category. Wu does not explicitly disclose obtaining a candidate database listing having a plurality of databases each having a collection of content; and acquiring a listing of a plurality of qualified databases from said candidate database listing by matching each one of a candidate databases to said plurality of subject areas; submitting said query to said plurality of qualified databases.

Klein, however, teaches the steps of:

obtaining a candidate database listing having a plurality of databases each having a collection of content (col. 4, lines 7-10); and

acquiring a listing of a plurality of qualified databases from said candidate database listing by matching each one of a candidate databases to said plurality of subject areas(col. 4, lines 7-10 and Fig. 7, element 715);

submitting said query to said plurality of qualified (col.4, lines 17-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the search system of Wu by providing a list of matching content of categories and their associated websites to enable the user more easily sort through the returned results and more quickly focus the search to obtain the desired results as suggested by Klein at col. 1,lines 55-57.

As per claim 8, Wu and Klein teach all the claimed subject matters as discussed in claim 1, and further teach analyzing an initial page from each one of said plurality of

qualified database to formatting; determining an input location for passing queries by

said initial page to each one of said plurality of databases; determining results locations

for capturing search results returned from each one of said plurality of databases;

recording said input location and said result locations for use in formatting queries for

each one of said databases (Wu, Fig. 5).

As per claim 9, Wu and Klein teach all the claimed subject matters as discussed

in claim 1, and further teach comparing each piece of responsive content to each one of

said subject areas in said initial categorization structure (Wu, col. 5, lines 1-14);

matching each piece of responsive content to subject areas based on relevance of the

responsive content to the subject areas (Wu, col. 5, lines 1-14); filtering matches to

optimize said categorization structure (Wu, col. 5, lines 1-14).

As per claim 12, Wu and Klein teach all the claimed subject matters as discussed

in claim 9, and further teach creating a categorization file for recording matches

between each piece of responsive content and each subject area; saving said

categorization file to a storage medium for use in searching said collection of responsive

content (Wu, Fig. 2 and 5).

As per claim 13, Wu and Klein teach all the claimed subject matters as discussed

in claim 1, and further teach obtaining a stop list providing a list of words not to be

indexed (Wu, col. 6, lines 19-22); parsing each piece of responsive content into

constituent words (Wu, col. 6, line 10 - col. 7, line 67); eliminating words of said

responsive content occurring on said stop lists (Wu, col. 6, lines 61-67); recording a

location of every occurrence of constituent words in said collection of responsive

content (Wu, col. 8, line 52 - col. 9, line 8).

Claim 16 is rejected on grounds corresponding to the reasons given above for

claim 1.

Claims 17 and 18 rejected on grounds corresponding to the reasons given above

for claim 8.

As per claim 19, Wu and Klein teach all the claimed subject matters as discussed

in claim 1, and further teach wherein said step of acquiring a listing of a plurality of

qualified databases further comprises acquiring a listing of a plurality of qualified

databases each generating dynamic responses based upon a user query (Klein ,col. 4,

lines 7-10 and Fig. 7, element 715).

As per claim 20, Wu and Klein teach all the claimed subject matters as discussed

in claim 1, and further teach generating at least one summary comprising at least one

extract of relevant content taken directly from an associated at least one item in said

collection of responsive content from said plurality of qualified databases (Wu, Fig. 5).

5.   Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wu (US 6,553,364) in view of Klein et al. ("Klein")(US 6704729 B1) in view of Ferguson

et al. ("Ferguson", US 6,237,011 B1).

As per claim 2, Wu and Klein teach all the claimed subject matters as discussed

in claim 1, and further teach obtaining a stop list providing a plurality of terms to be

excluded for said step of indexing said responsive content (Wu, col. 6, lines 10-21).

However, neither Wu nor Klein teaches obtaining an exclusion list providing a plurality

of terms and sources to inhibit associations for said step of acquiring a collection of

responsive content; obtaining an inclusion list providing a plurality of terms and sources

restricting associations for said step of acquiring a collection of responsive content.

Ferguson teaches obtaining an exclusion list providing a plurality of terms and

sources to inhibit associations for said step of acquiring a collection of responsive

content; obtaining an inclusion list providing a plurality of terms and sources restricting

associations for said step of acquiring a collection of responsive content (Ferguson, col.

9, lines 1-15). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the Wu and Klein's combined system by

incorporating an exclusion list and an inclusion list as disclosed by Ferguson. The

motivation being to retrieve the most relevant results.

Claim 11 is rejected on grounds corresponding to the reasons given above for

claim 2.

6.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US

6,553,364) in view of Klein et al. ("Klein")(US 6704729 B1) and further in view of Marks

et al. (hereinafter "Marks", US 2002/0007374 A1).

As per claim 3, Wu and Klein teach all the claimed subject matters as discussed

in claim 1, and further teaches selecting databases according to relevance to said

subject areas; associating said selected databases with said subject area (Klein, col. 4,

lines 7-10 and Fig. 7, element 715). However, neither Wu nor Klein explicitly teaches

capturing an initial page from each one of said plurality of candidate databases;

evaluating said initial page for relevancy to said each one of said subject areas. Marks

teaches capturing an initial page from each one of said plurality of candidate databases;

evaluating said initial page for relevancy to said each one of said subject areas (Marks,

page 5, [0050]). Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify the Wu and Klein's combined system by

incorporating the evaluating mean as disclosed by Marks. The motivation being to

determine which subject area is the database associated with.

7.   Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Wu (US 6,553,364) in view of Klein et al. ("Klein")(US 6704729 B1) in view of Marks et

al. (hereinafter "Marks", US 2002/0007374 A1) and further in view of Kirsch et al.

(hereinafter "Kirsch", US 6,018,733).

        As per claim 4, Wu, Klein and Marks teach all the claimed subject matters as

discussed in claim 3, except for explicitly disclosing obtaining a database relevancy

parameter for restricting the qualification of databases below a minimum threshold

value; comparing the relevance of each initial page to said relevancy parameter;

removing each candidate database with a relevancy below said minimum threshold

value from qualification. Kirsch teaches obtaining a database relevancy parameter for

restricting the qualification of databases below a minimum threshold value; comparing

the relevance of each initial page to said relevancy parameter; removing each candidate

database with a relevancy below said minimum threshold value from qualification

(Kirsch, col. 4, lines 37-67). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify the Wu, Klein and Marks'

combined system by selecting qualified databases as disclosed by Kirsch. The

motivation being to submit the query to the qualified databases with related subject area in order to improve the search efficiency and search time.

As per claim 5, Wu, Klein and Marks teach all the claimed subject matters as discussed in claim 3, and further teach submitting a query to each of said selected databases; capturing a plurality of pieces of responsive content provided by each of said selected databases (Klein, col. 4, lines 7-10 and Fig. 7, element 715); evaluating each of said plurality of pieces of responsive content for relevancy to said query; assigning a numerical score to each one of said plurality of pieces of responsive content, said numerical score representing a degree of relevance to said query (Wu, col. 6, lines 41-67). Wu, Klein, and Marks do not explicitly discloses developing an aggregate score for each one of said selected databases; qualifying a portion of said selected databases based upon said aggregate score to be polled for content. Kirsch teaches developing an aggregate score for each one of said selected databases; qualifying a portion of said selected databases based upon said aggregate score to be polled for content (Kirsch, col. 4, lines 38-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wu, KLEIN and Marks' combined system by developing an aggregate score and qualifying a portion of said selected databases as disclosed by Kirsch. The motivation being to efficiently retrieve query results.

8.   Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US 6,553,364) in view of Klein et al. ("Klein")(US 6704729 B1) in view of Marks et al. (hereinafter "Marks", US 2002/0007374 A1) in view of Kirsch et al. (hereinafter

"Kirsch", US 6,018,733) and further in view of Christal et al. (hereinafter "Christal", Pub. No.: US 2001/0056414 A1).

As per claim 6, Wu, Klein, Marks and Kirsch teach all the claimed subject matters as discussed in claim 5, and further teach obtaining an initial weighting of each of said pieces of responsive content from said selected database; selecting a quantity of pieces of responsive content such that pieces of responsive content with a relatively greater initial weighting are selected before pieces of responsive content with a relatively lesser initial weighting (Wu, col. 6, lines 41-67). Wu, Klein, Marks and Kirsch do not explicitly disclose obtaining a content parameter limiting the number of pieces of content to be captured from each of said selected databases. Christal teaches obtaining a content parameter limiting the number of pieces of content to be captured from each of said selected databases (Christal, page 6, [0067]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wu, KLEIN, Marks and Kirsch's combined system by limiting the number of results to be captured as disclosed by Christal. The motivation being to retrieve the most relevant search result and improve the search efficiency.

Claim 7 is rejected on grounds corresponding to the reasons given above for claims 3-6.

9.   Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US 6,553,364) in view of Klein et al. ("Klein")(US 6704729 B1) and further in view of Redfern (US 6,078,914).

As per claim 10, Wu and Klein teach all the claimed subject matters as discussed in claim 9, and further teaches obtaining a population parameter for limiting a number of pieces of responsive content which may be matched to any one subject area (Wu, col. 12, lines 45-53); obtaining an occurrence parameter for limiting a number of subject areas to which any one piece of responsive content may be matched (Wu, col. 12, lines 45-53); restricting matches for each one of said subject areas according to said occurrence parameter and said population parameter (Wu, col. 12, lines 45-53). Neither Wu nor Klein explicitly discloses removing duplicate pieces of responsive content. Redfern teaches removing duplicate pieces of responsive content (Redfern, col. 2, lines 65-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Wu and Klein's combined system by removing duplicate pieces as disclosed by Redfern. The motivation being to prevent redundancy in displaying the search result.

10.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (US 6,553,364) in view of Klein et al. ("Klein")(US 6704729 B1) and further in view of Kirsch et al. (hereinafter "Kirsch", US 6,018,733).

As per claim 14, Wu and Klein teach all the claimed subject matters as discussed in claim 1, except for explicitly disclosing determining if a summary is provided for each piece of said responsive content; examining each piece of said responsive content for keywords associated with each subject area; developing a keyword summary score for each piece of responsive content; examining each piece of said responsive content for relevant extracts forming an extract summary; developing an extract score for each

piece of responsive content; comparing said keyword summary score to said extract

score for a summary composite score; selecting said keyword summary if a

predetermined summary value is exceeded by said summary composite score;

selecting said extract summary if a predetermined summary value if not exceeded by

said summary composite score. Kirsch teaches determining if a summary is provided

for each piece of said responsive content; examining each piece of said responsive

content for keywords associated with each subject area; developing a keyword

summary score for each piece of responsive content; examining each piece of said

responsive content for relevant extracts forming an extract summary; developing an

extract score for each piece of responsive content; comparing said keyword summary

score to said extract score for a summary composite score; selecting said keyword

summary if a predetermined summary value is exceeded by said summary composite

score; selecting said extract summary if a predetermined summary value if not

exceeded by said summary composite score (Kirsch, col. 5, lines 47-55). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify the Wu and Klein's combined system by incorporating a summary as

disclosed by Kirsch. The motivation being to improve the search efficiency and identify

the most relevant search results.

11.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Redfern

(US 6,078,914) in view of Christal et al. (hereinafter "Christal", Pub. No.: US

2001/0056414 A1).

As per claim 15, Redfern teaches a system for the automatic harvesting and qualification of dynamic database content comprising:

a computer system having a communication means for communicating with at least one other computer including a database to facilitate the two-way flow of information between said computer system and the at least one other computer (Redfern, col. 4, lines 8-27);

said computer system having a storage means for retention and recall of data communicated by or to the at least one other computer (Redfern, col. 4, lines 8-27);

said computer system having a processing means for executing multiple software modules and performing comparisons between a user supplied query and a plurality of documents found in at least one other computer (Redfern, col. 4, lines 8-33);

an index for storing a plurality of pre-approved internet sites to be included in a series of queries (Redfern, col. 29, lines 34-35);

a configuration module adapted for translating a generic query into site-specific dialects such that a single user defined query may be directed to multiple sites automatically (Redfern, Abstract, col. 4, lines 8-33);

a selection module adapted for characterizing said plurality of documents returned by the database of the at least one other computer and associated with said user defined query (Redfern, col. 2, line 47 – col. 3, line 45);

a generator module for automatically generating at least one results page for the user conveying information associated with any one of said plurality of documents associated with said query (Redfern, col. 2, line 47 – col. 3, line 45).

Redfern does not explicitly a results index to allow for rapid recovery of specific

portions of any one of said plurality of documents characterized by said selection

module. Christal teaches a results index to allow for rapid recovery of specific portions

of any one of said plurality of documents characterized by said selection module

(Christal, page 1, [0009]-[0012]). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the system of

Redfern by incorporating the results index as discloses by Christal. The motivation

being to allow for rapid recovery of specific portions of any one of said plurality of

documents.

Response to Arguments

12.   Applicant's arguments with respect to claims 1-20 filed 15 December 2005 have

been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Leslie Wong whose telephone number is (571) 272-

4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, CHARLES RONES can be reached on (571) 272-4085. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Leslie Wong
Primary Patent Examiner
Art Unit 2164

March 3, 2006